

# Notice of Allowability

Application No.

10/602,479

Examiner

Susanna M. Diaz

Applicant(s)

PHILIPPE ET AL.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Applicant's amendment filed September 3, 2004.
2. ☒ The allowed claim(s) is/are 21-28,31-37 and 41-43.
3. ☒ The drawings filed on 23 June 2003 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

**SUSANNA M. DIAZ**  
**PRIMARY EXAMINER**

*AU 3623*

***Reasons for Allowance***

1. Claims 21-28, 31-37, and 41-43 are allowed.

2. The following is an examiner's statement of reasons for allowance:

The following references have been identified as the closest prior art of record:

the Excite shopping site (which utilizes Netbot/Jango shopping agents), as

disclosed in the following articles:

(A) "The Once and Future Mall"

(B) "The Promise of Internet Megastores"

(C) "Excite Scoops Up NetBot Shopping Agent"

(D) "Shopping Agents Help Consumers Find the Best Deals"

(E) "'Agents' Surf Web for Best Online Buys"

and Kushmerick et al. (U.S. Patent No. 6,304,870).

The Excite shopping site provides an Internet site at which customers can order products from various vendors. Once the customer places an order, the Internet site forwards the order to the proper vendor(s); however, the references describing the Excite shopping site are silent as to how, or even if, the proper order form for each vendor from among a collection of order forms for various vendors is determined by the Internet site itself and forwarded to the respective vendor with the appropriate information. Kushmerick was used in combination with the Excite shopping site to teach the details of an Internet form-filling method. However, as pointed out by the Applicant:

The Kushmerick et al. patent describes a "technique for automatically constructing wrappers for performing

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information-extraction from sites such as Internet resources that display relevant information, ..." See Kushmerick at col. 3, lines 21-25. Kushmerick et al does not relate to automatically filling in forms on vendor web pages.

The present invention uses wrappers in a different way than was used or contemplated in the prior art. In the present invention, *attributes are extracted from the vendor web pages to construct a transaction wrapper, and the wrapper is then used to fill in the vendor forms with user information.*

Because Kushmerick does not suggest using the wrapper to *fill in forms* with user related information, it would not have been obvious to combine the Excite shopping articles with the Kushmerick et al. patent to achieve the claim invention. (Page 12 of Applicant's response)

The Examiner agrees with Applicant's analysis of the Excite shopping site-Kushmerick analysis; therefore, the combination fails to teach or suggest the claimed invention, as recited in claims 21-28, 31-37, and 41-43. Consequently, claims 21-28, 31-37, and 41-43 are deemed to be allowable over the prior art of record.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Susanna M. Diaz whose telephone number is (703) 305-1337. The examiner can normally be reached on Monday-Friday, 9 am - 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz can be reached on (703) 305-9643.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Receptionist whose telephone number is (703)308-1113.

Any response to this action should be mailed to:

**Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450**

or faxed to:

**(703)872-9306** [Official communications; including  
After Final communications labeled  
"Box AF"]

**(703)746-7048** [Informal/Draft communications, labeled  
"PROPOSED" or "DRAFT"]

Hand delivered responses should be brought to Crystal Park 5, 2451 Crystal Drive, Arlington, VA, 22202, 7<sup>th</sup> floor receptionist.



Susanna M. Diaz  
Primary Examiner  
Art Unit 3623  
October 26, 2004